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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 2, 2026

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City of Pasadena
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Subject: Environmental Impact Report for the Arroyo Seco Water Reuse Project, SCH No. 2023110605, Los Angeles County, CA

Dear Christina Monde:

The California Department of Fish and Wildlife (CDFW) reviewed the Environmental Impact Report (EIR) from the City of Pasadena (City) for the Arroyo Seco Water Reuse Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological

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expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Pasadena

Objective: According to the EIR, the proposed Project would develop two regional water capture and treatment facilities. The treatment facilities would consist of man-made treatment wetlands and infiltration basins designed to continuously percolate diverted stormwater and treated dry-weather flows into the ground. Up to 258 acre-feet [AF; ≈ 84,069,668 gallons (gal)] per year would be recharged into the Raymond Groundwater Basin, which would occur near the Arroyo Seco Channel (Arroyo Seco). Additionally, an off-site water harvester and related infrastructure would be installed within the existing, gated maintenance yard at the public Arroyo Seco Golf Course in South Pasadena. At both sites, the Project would include native landscaping; hardscape elements, including reclaimed wood log benches, post-and-rail fencing, and concrete seat walls faced with natural stone; informational signage; and expansion of the existing trail network.

One hundred percent of the dry-weather flow and an unspecified amount of stormwater in the concrete-lined San Rafael Creek would be diverted into the San Rafael facility via a pump station at a maximum rate of 10 cubic feet per second (cfs), pretreated, and partially infiltrated for groundwater recharge. The residual water (not

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infiltrated) would be treated, discharged back into the Arroyo Seco, and then diverted further downstream into the San Pascual Facility for further infiltration. Infiltration would occur within two proposed treatment wetlands with a combined capacity of 3.46 AF (1,127,445 gal) for dry-weather storage and irrigation reuse at the Arroyo Seco Golf Course. Infiltration would first occur in a 1.34 AF (436,640 gal) upper storage wetland basin and would then occur in a 2.12 AF (690,805 gal) lower storage wetland basin. Any remaining treated water would subsequently be discharged back into the Arroyo Seco.

Operation of the San Rafael and San Pascual facilities would increase the City's annual average water supply by 320 AF. The uses associated with the diverted and treated water would include approximately 258 AF (84,069,668 gal) of groundwater recharge and approximately 30 AF (9,775,542 gal), or less than 10 percent of captured water, for off-site irrigation reuse at the golf course, thereby reducing potable water demand.

Location: The Project site encompasses approximately 3.7 acres across two sites in San Rafael Creek, which is adjacent to the Arroyo Seco. The northern, San Rafael site (1.5 acres), is in the City of Pasadena; the southern, San Pascual site (2.2 acres), is in the cities of South Pasadena and Los Angeles.

The San Rafael site is situated southwest of the San Rafael Avenue overpass over the Arroyo Seco, on the west side of the Arroyo Seco, and adjacent to Pasadena's southern boundary. The San Rafael site includes a linear feature located within the limits of the San Rafael Creek easement under the jurisdiction of the Los Angeles County Flood Control District.

The San Pascual site is situated southeast of the San Pascual Avenue overpass over the Arroyo Seco and on the east side of the Arroyo Seco. The San Pascual site is bounded by San Pascual Avenue on the north and Stoney Drive on the east.

Biological Setting: The Project site encompasses a variety of vegetation communities, many of which are disturbed. These include coast live oak (*Quercus agrifolia*) woodland, coast live oak–western sycamore (*Platanus racemosa*) woodland, and mixed stands of Peruvian pepper tree (*Schinus molle*) with coast live oak. Additional vegetation types present include non-native ornamental woodland and disturbed

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blue elderberry (*Sambucus cerulea*)–laurel sumac (*Malosma laurina*) scrub. Portions of the site also contain non-native grasslands characterized by the brome–Schismus (*Bromus rubens–Schismus arabicus, Schismus barbatus*) Herbaceous Semi-Natural Alliance. Areas of bare ground and developed land are also present throughout the site.

Several species of potential concern may be present on or near the site, including Crotch's bumble bee (*Bombus crotchii*; CESA candidate) and burrowing owl (*Athene cunicularia*; CESA candidate). Several California Species of Special Concern (SSC) also have the potential to occur, such as the big free-tailed bat (*Nyctinomops macrotis*), western yellow bat (*Lasiurus xanthinus*), western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), western pond turtle (*Emys marmorata*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), coast horned lizard (*Phrynosoma blainvillii*), California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), and coast range newt (*Taricha torosa*).

In terms of rare plants, California black walnut (*Juglans californica*), a California Rare Plant Rank (CRPR) 4.2 species (CNPS 2026), is present on the Project site. Additional special-status plant species known to occur in the broader Project vicinity include Nevin's barberry (*Berberis nevinii*), which is listed under CESA and ranked CRPR 1B.1, and Coulter's matilija poppy (*Romneya coulteri*), which is ranked CRPR 4.2.

Runoff from this watershed drains to and through over 50 linear miles of the Los Angeles River (LA River) before discharging into the Pacific Ocean. The Arroyo Seco is a major tributary to the LA River.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Impacts to San Rafael Creek, the Arroyo Seco, and the LA River

Issue #1: The Project will directly impact San Rafael Creek and the Arroyo Seco and will indirectly impact the LA River downstream of the Arroyo Seco with the diversion of approximately 258 acre-feet (84,069,668 gallons) of water per year.

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Issue #2: The Project does not consider downstream impacts to reasonably foreseeable restoration projects within the LA River watershed and does not consider future water reduction projects in the LA River.

Specific impact: The reduction of flows and water availability in the Arroyo Seco and LA River may significantly affect the hydrologic regime within the immediate area and downstream of the Project location. Significant impacts to biological resources could occur, especially during dry years and/or droughts.

Why impact would occur: The Project's point of discharge is upstream of habitat for fish and wildlife. The EIR does not analyze potential downstream impacts to biological resources or reasonably foreseeable restoration projects within the LA River watershed; some of which support steelhead passage to allow both juvenile and adult steelhead to migrate between the tributaries of the LA River and the Pacific Ocean

Biological Resources: Diverting water from the LA River may impact downstream biological resources, especially during relatively dry years and periods of drought. Downstream of the confluence of the Arroyo Seco and the LA River, the LA River encompasses concrete-lined reaches that support biological resources. Where the LA River overtops the concrete-lined channel, the resulting sheet flows allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates, which are a vital food source for wading birds (Stein et al. 2021). The LA River also provides habitat for hundreds of bird species, making these areas important birding hotspots. The Project will impact the establishment and persistence of herbaceous vegetation that shorebirds rely on for foraging habitat (Stein et al. 2021). The reduction of flow from the Arroyo Seco will further impact the LA River's sheet flows and the depths of water needed to maintain algae production to support the current benthic community and shorebirds.

Reasonably Foreseeable Restoration Projects. The Project has the potential to substantially alter the hydrologic flows of the LA River and may impact downstream restoration projects that depend on instream flows. Some of the planned and/or ongoing restoration projects along the LA River can be found at the following website: https://larivermasterplan.org/goals/support-healthy-connected-ecosystems/.

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Evidence impact may be significant: Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures are likely to result in continued and substantial adverse direct, indirect, and cumulative effects, either directly or through habitat modifications, on sensitive and/or special-status species.

CDFW exercises its regulatory authority as provided by Fish and Game Code, section 1600 et seq. to conserve fish and wildlife resources, which include rivers, streams, or lakes and associated natural communities. Fish and Game Code, section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

1. Divert or obstruct the natural flow of any river, stream, or lake;
2. Change the bed, channel, or bank of any river, stream, or lake;
3. Use material from any river, stream, or lake; or,
4. Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the existing water features and the hydrologic patterns of the Project site. Inadequate avoidance and mitigation measures may result in the Project having a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

The Project may also have a significant effect on the environment if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). When assessing whether a cumulative effect requires a supplemental environmental impact rReport (Supplemental EIR), the City "shall consider whether the cumulative impact is significant and whether the effects of the Project are cumulatively considerable" (CEQA Guidelines, § 15064(h)(1)). When using a threshold of significance, the City should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of

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significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect (CEQA Guidelines, § 15064.7). Compliance with the threshold does not relieve the City's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant (CEQA Guidelines, § 15064(b)(2)). A conclusion about whether a cumulative impact is significant may be insufficient without an analysis describing the analytical route that the City traveled from evidence to its determination.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #1: *Lake and Streambed Alteration (LSA) Agreement*. The City shall notify CDFW pursuant to Fish and Game Code section 1602 and obtain four separate LSA Agreements from CDFW. These agreements shall include one for the construction of each diversion structure in San Rafael Creek and the Arroyo Seco, and one for the operations and maintenance of each diversion structure. The City shall comply with the mitigation measures detailed in each LSA Agreement issued by CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2026a). The City shall also provide a water budget analysis with each LSA notification, to evaluate the effects of the diversion on adjacent and downstream biological resources.

Recommendation #1: *CEQA Mitigation Measures.* CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the Project's potential impacts on stream or riparian resources, including downstream resources, and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

As such, CDFW recommends that the City consider CDFW's comments and revise the EIR by incorporating the mitigation measures recommended in this letter into the

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Project's environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.

Recommendation #2: *CEQA Cumulative Analysis.* CDFW recommends that the City provide additional analysis and evaluation of potential cumulative impacts on ongoing habitat recovery and restoration efforts and reasonably foreseeable future projects as part of the final EIR, including, but not limited to, the following:

- The Los Angeles Groundwater Replenishment Project (SCH No. 2013091023) which would reduce flows to the LA River by approximately 4 million gallons a day.

- The LA River Fish Passage and Habitat Structures Design Project (Stillwater Sciences 2022).

Recommendation #3: *Water Right.* The EIR should provide clear information on any water right permit(s) possessed by the Project proponent for the proposed Project. The description should include the water right license number, diversion rate requirements, amount, and any other pertinent information. If the Project proponent does not have a water right for the Project, the EIR should include information on whether the Project proponent will be applying for one and what coverage would be sought under a water right permit.

Recommendation #4: *Water Budget.* The EIR should provide a water budget to consider the Project's significant impacts on the downstream functions and health of the Arroyo Seco and LA River as well as the resources it supports, such as algal mats and benthic communities. The water budget should also consider reasonably foreseeable restoration and water reduction projects, some of which support steelhead passage by maintaining sufficient flows for both juvenile and adult steelhead to migrate between the tributaries of the LA River and the Pacific Ocean.

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Comment #2 Impacts to Crotch's Bumble Bee

Issue: The Project may adversely impact Crotch's bumble bee.

Specific impacts: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities may cause death or injury to adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: According to the California Natural Diversity Database (CNDDB), there have been historical observations of Crotch's bumble bee throughout Los Angeles County(CDFW 2026b). In addition to regional observations, the Project area lies within the home range of Crotch's bumble bee (CDFW 2026c). Crotch's bumble bee may utilize areas that have suitable nesting habitat and floral resources. Crotch's bumble bee primarily nests from late February through late October, underground in abandoned small mammal burrows. With small mammal burrows present on the Project site, suitable habitat for Crotch's bumble bee is present. Crotch's bumble bee may also nest under perennial bunch grasses, thatched annual grasses, brush piles, as well as in old bird nests, dead trees, or hollow logs (Williams et al. 2014). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or areas under leaf litter or other debris (Williams et al. 2014).

The EIR does not address the potential presence of Crotch's bumble bee or provide species-specific measures to reduce impacts to Crotch's bumble bee to levels less than significant if present during Project activities. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of the colony, disrupt breeding success, and/or lead to nest abandonment in areas within and adjacent to the Project site. Potential habitat loss, as a result of the proposed Project, may also reduce foraging habitat for this species in the broader landscape as development increases throughout the City.

Evidence impacts would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted," and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and

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adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a state ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #2: *Protocol Level Surveys*. The Project Proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #3: *Incidental Take Permit*. If Crotch's bumble bee is detected the Project Proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

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Recommendation #5: *Habitat Assessment*. The EIR should be revised to provide a discussion on habitat suitability for Crotch's bumble bee within and adjacent to the Project site. The discussion should also disclose the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the EIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the EIR.

Recommendation #6: *CEQA Analysis*. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the EIR from the City for the Project's impacts to Crotch's bumble bee (see Mitigation Measure #3).

Comment #3: Impacts to Western Burrowing Owl

Issue: The Project may adversely impact burrowing owl.

Specific impacts: The Project may result in the loss of foraging and nesting habitat for burrowing owl. Project activities may result in loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, constituting a significant impact on this imperiled species.

Why impacts would occur: According to CNDDB, the Project area is within the historic range of burrowing owl (CDFW 2026d). Project activities include vegetation and tree removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings.

The EIR does not address the potential presence of burrowing owl or provide species-specific measures to reduce impacts to burrowing owl to levels less than significant if present during Project activities. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of fertile eggs, disrupt breeding success, and/or lead to nest abandonment in areas within and adjacent to the Project site. Potential habitat loss,

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as a result of the proposed Project, may also reduce foraging habitat for this species in the broader landscape as development increases throughout the City.

Evidence impacts would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #4: *Incidental Take Permit*. If burrowing owl is detected, the Project Proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and/or vegetation removal.

Recommendation #7: *Protocol Level Surveys*. CDFW has released guidance for burrowing owls titled 2012 Staff Report on Burrowing Owl Mitigation. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the CDFW 2012 guidance, with the results disclosed in the Project's EIR, including additional mitigation measures provided for the Project.

Comment #5: Impacts to Tree Resources

Issue: Mitigation measure MM BIO-2, as it is currently written, does not provide sufficient mitigation for the loss of tree resources (including oak trees).

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Specific Impact: Tree resources in a heavily urban environment provide essential breeding and foraging habitat for various bird and bat species. Compensatory mitigation is not disclosed for impacts to tree resources, and may not be sufficient to avoid impacts to breeding and foraging habitat used by various bird and bat species.

Why impacts would occur: According to the EIR, approximately 108 native and nonnative trees will be removed for the Project. Tree resources are considered crucial to the urban ecosystem, and removal of these trees would result in a loss of habitat function, density, and structure (McPherson et al. 2017; Lu 2023). Alongside the loss of function, density, and structure, removing the trees may potentially result in permanent loss of habitat quality. Although the Project proposes planting new oaks and native trees, it does not factor in the temporal loss of the ecological services that the trees provide, resulting from removal of mature trees. Generally, CDFW recommends that a higher ratio for native trees and a much higher ratio for oaks be planted. This is because the life history of the species, predation, and invasive pests tend to eliminate many saplings before they can mature.

Evidence impacts would be significant: Per CEQA Guidelines section 15065 (a), a project may have a significant effect on biological resources if the project substantially reduces the habitat of a fish or wildlife species; threatens to eliminate a plant community; or has the potential to restrict the range of endangered, rare, or threatened species. Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and G. Code, § 1360-1372 and Pub. Resources Code, § 21083.4) due to historic and on-going loss of these resources.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends that MM BIO-2 be revised to incorporate the <u>underlined</u> language:

> *MM BIO-2 Trees***.** All trees to be preserved on-site during the construction process shall have the following measures implemented:
>
> - Prior to initiation of construction activities, protective fencing shall be placed around the critical root zone (five feet outside the outer canopy) of all trees that are in the Project construction area and are intended to remain in place. No

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ground disturbance or storage of construction materials should occur within the critical root zone during construction.

1. A Certified Arborist shall be retained to monitor construction activities of any ground disturbance planned within or adjacent to the critical root zone for any tree to be preserved during construction.

All trees to be removed shall be mitigated accordingly:

2. All oak trees shall be replaced at a 10:1 mitigation ratio and shall be monitored for 10 years. A 10-year monitoring plan shall be submitted to CDFW for review and approval.
    - All other native trees shall be replaced in-kind at a 2:1 mitigation ratio.
    - All nonnative trees shall be replaced with native trees at a 1:1 mitigation ratio.

Additional Comments

Additional comments or suggestions are also included to improve the final CEQA document.

Mitigation Measure BIO-3 Nesting Birds/Raptors. CDFW recommends that MM BIO-3 be revised to incorporate the underlined language and omit the language in ~~strikethrough~~:

MM BIO-3 Nesting Birds/Raptors. The Project shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. To avoid impacts on active nests for common and special status birds and raptors, no vegetation removal or ground-disturbing activities shall occur during avian breeding season which generally runs from February 1 through September 15 (as early as January 1 for some raptors). The applicant shall schedule vegetation clearing during the non-breeding season (i.e., September 16 to December 31) to the extent feasible. If Project timing requires that vegetation clearing occur between February 1 and September 15, the applicant or its designee shall retain a qualified Biologist to conduct a pre-construction survey for

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nesting birds and raptors. The pre-construction survey shall be conducted by a qualified Biologist within ~~three~~ two days prior to vegetation clearing.

Mitigation Measure BIO-4 Bats. CDFW recommends that MM BIO-4 is revised to incorporate the underlined language and omit the language in ~~strikethrough~~:

MM BIO-4 Bats. A two-step tree removal process shall be implemented to prevent bat mortality. Prior to tree removal, a qualified biologist shall conduct a pre-construction bat habitat assessment. If the tree potentially supports roosting bats, at the direction of the biologist, some level of disturbance (e.g., trimming of lower branches of trees) shall be applied ~~three~~ two days prior to removal to allow bats to escape. The trees shall be removed on day ~~three~~ two (i.e., there shall be no less or more than ~~two~~ one night~~s~~ between initial disturbance and the tree removal). On each of the ~~three~~ two days of the tree removal process, the tree to be removed will be visually inspected by a qualified biologist to confirm no bats are roosting immediately prior to removal. A qualified bat specialist shall conduct bat specific surveys at an appropriate time of day, when bats are most active, within the Project site (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. The applicant shall schedule vegetation clearing during the non-breeding season (i.e., October 1 to February 28) to the extent feasible. If Project timing requires that vegetation clearing occur between March 1 and September 30, the applicant or its designee shall retain a qualified Biologist to conduct a pre-construction survey for bats.

Recommendation #8: *Sensitive Reptile Surveys*. A qualified biologist shall be retained to conduct focused surveys for western pond turtle, coast horned lizard, coastal whiptail, California legless lizard, and California glossy snake. Survey findings should be submitted to CDFW and the U.S. Fish and Wildlife Service prior to Project activities for review and approval. If sensitive reptile species are observed, Project activities in their immediate vicinity shall cease and individuals shall be allowed to leave the Project area on their own accord.

Recommendation #9: *Species Relocation Plan*. The City shall develop a species relocation plan that will be submitted to CDFW for approval. If reptile species are

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found during pre-construction surveys or during construction, work in the immediate area shall stop immediately, until the qualified biologist is notified.

Recommendation #10: *Injured or Dead Wildlife*. If any sensitive reptile species are harmed or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and the dead or injured wildlife will be documented. A report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal, and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and potential additional mitigation measures have been identified to prevent additional injury or death. All incidents should be tracked and summarized in a post-construction compliance report submitted to CDFW.

Recommendation #11: *Additional Minimization Measure*. CDFW recommends that the Project Proponent identify and implement measures that prevent sensitive reptile species from accessing the construction area. These measures should be developed in coordination with CDFW and be implemented prior to ground-disturbing activities.

Mitigation and Monitoring Reporting Plan

CDFW recommends the County adopt the mitigation measures and recommendations in this letter into the EIR. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the County in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, and location), and (4) clear to ensure successful implementation through a mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code, section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and

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recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1).

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is required. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

Conclusion

CDFW appreciates the opportunity to comment on the EIR and to support the City in identifying and mitigating Project impacts to biological resources. To ensure significant impacts are adequately mitigated to less-than-significant level, we recommend incorporating the feasible mitigation measures described above should be incorporated as enforceable conditions in the EIR for the Project. CDFW requests the opportunity to coordinate with the City on responses to these comments prior to adoption of the final environmental document. We also request notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be directed to Mary Ngo[1], Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
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7/2/2026

Victoria Tang
Environmental Program Manager
South Coast Region

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[1] Phone: (562) 477-0743; Email: Mary.Ngo@wildlife.ca.gov

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ATTACHMENTS

Attachment #1: Mitigation and Monitoring Reporting Plan

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Baron Barrera, Senior Environmental Scientist (Supervisory)
Allison Peel, Environmental Scientist
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

State Water Resources Control Board
Roberto Cervantes
Jeffrey Yeazell

Office of Land Use and Climate Innovation
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REFERENCES

[CDFW] California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843

[CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline

[CDFW] California Department of Fish and Wildlife. 2023. CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

[CDFW] California Department of Fish and Wildlife. 2026a. Lake and Streambed Alteration Program. Available from: https://wildlife.ca.gov/Conservation/EnvironmentalReview/LSA

[CDFW] California Department of Fish and Wildlife. 2026b. California Natural Diversity Database. Available at: https://wildlife.ca.gov/Data/CNDDB

[CDFW] California Department of Fish and Wildlife. 2026c. Crotch's Bumble Bee Range Dataset 3095. Available at CDFW's Biogeographic Information and Observation System, https://wildlife.ca.gov/Data/BIOS

Docusign Envelope ID: 9EC36757-A2DE-8421-83B0-BB0F3B7E8BC0

[CDFW] California Department of Fish and Wildlife. 2026d. Western Burrowing Owl Range Dataset 907. Available at CDFW's Biogeographic Information and Observation System, https://wildlife.ca.gov/Data/BIOS

[CNPS] California Native Plant Society. 2026. California Rare Plant Ranks. Available at: https://www.cnps.org/rare-plants/california-rare-plant-ranks

Goulson, D. 2010. Introduction. In: Goulson, D., Ed., Bumblebees: Behaviour, Ecology, and Conservation, Oxford University Press, Oxford, 1-12.

Lu, B., 2023. Advancing Shade Equity for Unincorporated South Los Angeles Communities.

McPherson, E.G., Xiao, Q., van Doorn, N.S., de Goede, J., Bjorkman, J., Hollander, A., Boynton, R.M., Quinn, J.F. and Thorne, J.H., 2017. The structure, function and value of urban forests in California communities. *Urban Forestry & Urban Greening*, *28*, pp.43-53.

Stein, E. D., Wolfand, J., Abdi, R., Irving, K., Hennon, V., Taniguchi-Quan, K., Philippus, D., Bell, C., Gallo, E. & Hogue, T. S. 2021. Assessment of aquatic life use needs for the Los Angeles river. *Southern California Coastal Water Research Project Technical Report*.

Stillwater Sciences. 2022. LA River Fish Passage and Habitat Structures Design Project Available at: https://files.ceqanet.opr.ca.gov/295729-1/attachment/PLgHR6sgUZtqpxns56JsHpCaFG8iD6U6k9BbJ2MUKQKk_bRZUKBTUFGPWpDx8IK2Uhw8RZPrNi0SzbPa0

Williams, P.H., R.W. Thorp, L.L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: an Identification Guide. Princeton University Press. 208 pp.

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Attachment A: Mitigation and Monitoring Reporting Plan		
Mitigation Measures	**Timing**	**Responsible Party**
CDFW recommends that MM BIO-2 be revised to incorporate the underlined language: *MM BIO-2 Trees*. All trees to be preserved on-site during the construction process shall have the following measures implemented: • Prior to initiation of construction activities, protective fencing shall be placed around the critical root zone (five feet outside the outer canopy) of all trees that are in the Project construction area and are intended to remain in place. No ground disturbance or storage of construction materials should occur within the critical root zone during construction. **3.** A Certified Arborist shall be retained to monitor construction activities of any ground disturbance planned within or adjacent to the critical root zone for any tree to be preserved during construction. All trees to be removed shall be mitigated accordingly: 4. All oak trees shall be replaced at a 10:1 mitigation ratio and shall be monitored for 10 years. A 10-year monitoring plan shall be submitted to CDFW for review and approval. • All other native trees shall be replaced in-kind at a 2:1 mitigation ratio. • All nonnative trees shall be replaced with native trees at a 1:1 mitigation ratio.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

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Mitigation Measure BIO-3 Nesting Birds/Raptors. CDFW recommends that MM BIO-3 be revised to incorporate the underlined language and omit the language in ~~strikethrough~~: *MM BIO-3 Nesting Birds/Raptors*. The Project shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. To avoid impacts on active nests for common and special status birds and raptors, no vegetation removal or ground-disturbing activities shall occur during avian breeding season which generally runs from February 1 through September 15 (as early as January 1 for some raptors). The applicant shall schedule vegetation clearing during the non-breeding season (i.e., September 16 to December 31) to the extent feasible. If Project timing requires that vegetation clearing occur between February 1 and September 15, the applicant or its designee shall retain a qualified Biologist to conduct a pre-construction survey for nesting birds and raptors. The pre-construction survey shall be conducted by a qualified Biologist within ~~three~~ two days prior to vegetation clearing.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Mitigation Measure BIO-4 Bats. CDFW recommends that MM BIO-4 is revised to incorporate the underlined language and omit the language in ~~strikethrough~~: *MM BIO-4 Bats*. A two-step tree removal process shall be implemented to prevent bat mortality. Prior to tree removal, a qualified biologist shall conduct a pre-construction bat habitat assessment. If the tree potentially supports roosting bats, at the	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

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direction of the biologist, some level of disturbance (e.g., trimming of lower branches of trees) shall be applied ~~three~~ two days prior to removal to allow bats to escape. The trees shall be removed on day ~~three~~ two (i.e., there shall be no less or more than ~~two~~ one night~~s~~ between initial disturbance and the tree removal). On each of the ~~three~~ two days of the tree removal process, the tree to be removed will be visually inspected by a qualified biologist to confirm no bats are roosting immediately prior to removal. A qualified bat specialist shall conduct bat specific surveys at an appropriate time of day, when bats are most active, within the Project site (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. The applicant shall schedule vegetation clearing during the non-breeding season (i.e., October 1 to February 28) to the extent feasible. If Project timing requires that vegetation clearing occur between March 1 and September 30, the applicant or its designee shall retain a qualified Biologist to conduct a pre-construction survey for bats.		
Mitigation Measure #1: *Lake and Streambed Alteration (LSA) Agreement*. The City shall notify CDFW pursuant to Fish and Game Code section 1602 and obtain four separate LSA Agreements from CDFW. These agreements shall include one for the construction of each diversion structure in San Rafael Creek and the Arroyo Seco, and one for the operations and maintenance of each diversion structure. The City shall comply with the mitigation measures detailed in each LSA Agreement issued by CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2026a). The City shall also provide a water budget analysis with each LSA notification, to evaluate the effects of the diversion on adjacent and downstream	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

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Mitigation Measure #2: *Protocol Level Surveys*. The Project Proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Mitigation Measure #3: *Incidental Take Permit*. If Crotch's bumble bee is detected the Project Proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Mitigation Measure #4: *Incidental Take Permit*. If burrowing owl is detected, the Project Proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project Proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and/or vegetation removal.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #1: *CEQA Mitigation Measures.* CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a	Prior to finalizing CEQA document;	Project Proponent /

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Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the Project's potential impacts on stream or riparian resources, including downstream resources, and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends that the City consider CDFW's comments and revise the EIR by incorporating the mitigation measures recommended in this letter into the Project's environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.	and Prior to construction.	Lead Agency
Recommendation #2: *CEQA Cumulative Analysis.* CDFW recommends that the City provide additional analysis and evaluation of potential cumulative impacts on ongoing habitat recovery and restoration efforts and reasonably foreseeable future projects as part of the final EIR, including, but not limited to, the following: • The Los Angeles Groundwater Replenishment Project (SCH No. 2013091023) which would reduce flows to the LA River by approximately 4 million gallons a day.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

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• The LA River Fish Passage and Habitat Structures Design Project (Stillwater Sciences 2022).		
Recommendation #3: *Water Right.* The EIR should provide clear information on any water right permit(s) possessed by the Project proponent for the proposed Project. The description should include the water right license number, diversion rate requirements, amount, and any other pertinent information. If the Project proponent does not have a water right for the Project, the EIR should include information on whether the Project proponent will be applying for one and what coverage would be sought under a water right permit.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #4: *Water Budget.* The EIR should provide a water budget to consider the Project's significant impacts on the downstream functions and health of the Arroyo Seco and LA River as well as the resources it supports, such as algal mats and benthic communities. The water budget should also consider reasonably foreseeable restoration and water reduction projects, some of which support steelhead passage by maintaining sufficient flows for both juvenile and adult steelhead to migrate between the tributaries of the LA River and the Pacific Ocean.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #5: *Habitat Assessment*. The EIR should be revised to provide a discussion on habitat suitability for Crotch's bumble bee within and adjacent to the Project site. The discussion should also disclose the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the EIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency

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should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the EIR.		
Recommendation #6: *CEQA Analysis*. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the EIR from the City for the Project's impacts to Crotch's bumble bee (see Mitigation Measure #3).	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #7: *Protocol Level Surveys*. CDFW has released guidance for burrowing owls titled 2012 Staff Report on Burrowing Owl Mitigation. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the CDFW 2012 guidance, with the results disclosed in the Project's EIR, including additional mitigation measures provided for the Project.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #8: *Sensitive Reptile Surveys*. A qualified biologist shall be retained to conduct focused surveys for western pond turtle, coast horned lizard, coastal whiptail, California legless lizard, and California glossy snake. Survey findings should be submitted to CDFW and the U.S. Fish and Wildlife Service prior to Project activities for review and approval. If sensitive reptile species are observed, Project activities in their immediate vicinity shall cease and individuals shall be allowed to leave the Project area on their own accord.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #9: *Species Relocation Plan*. The City shall develop a species relocation plan that will be submitted to CDFW for approval. If reptile species are found during pre-construction surveys or during construction, work in the immediate area shall stop immediately, until the qualified biologist is notified.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency
Recommendation #10: *Injured or Dead Wildlife*. If any sensitive reptile species are harmed or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified	Prior to finalizing CEQA document;	Project Proponent /

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biologist shall be notified, and the dead or injured wildlife will be documented. A report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal, and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and potential additional mitigation measures have been identified to prevent additional injury or death. All incidents should be tracked and summarized in a post-construction compliance report submitted to CDFW.	and Prior to construction.	Lead Agency
Recommendation #11: *Additional Minimization Measure*. CDFW recommends that the Project Proponent identify and implement measures that prevent sensitive reptile species from accessing the construction area. These measures should be developed in coordination with CDFW and be implemented prior to ground-disturbing activities.	Prior to finalizing CEQA document; and Prior to construction.	Project Proponent / Lead Agency